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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,485	11/11/2003	Kurt R. Murray	9135-0031	5115

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,485

Applicant(s)

MURRAY ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. Due to automation difficulties, US Patent 1,306,363 cited on the IDS filed on January 30, 2004 was not able to be reviewed by the Examiner. The Applicant is asked to submit another copy of the reference for the Examiner to review, however, the Applicant is asked to contact the Examiner for the best way to submit the reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3, 5, 6 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Setina (US Patent 6,113,164).

Regarding claim 1, Setina discloses a push bumper apparatus configured to be coupled to a vehicle including a bumper (30), a frame assembly (35) positioned in longitudinally spaced relation to the bumper, and a fascia positioned in longitudinally spaced relation in front of the bumper (30), the push bumper apparatus comprising: at least one push member (16,18); a front clamping member (26) including a first clamping surface (26) configured to face a front surface of one of the bumper (30) and the frame assembly; a rear clamping member (28) including a second clamping surface (28) configured to face a rear surface of one of the bumper (30) and the frame assembly

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(Fig. 5); a fastener (bolts as seen in Fig. 5) connecting the front clamping member (26) and the rear clamping member (28) such that the one of the bumper (30) and the frame assembly is clamped between the first clamping surface (26) and the second clamping surface (28); and a support member (24) configured to secure one of the front clamping member (26) and the rear clamping member to the push member (16,18) without requiring new openings to be formed through any of the bumper (although Fig. 5 calls for a bolt 60 to go through the bumper member (30), the clamping member of Figs. 7, 8 and 10 do not require the bolt 60), the frame assembly, and the fascia.

Regarding claims 2, 17 and 18, Setina discloses the push bumper apparatus of claim 1, wherein the at least one push member (16,18) comprises a first vertical push member (16), and a second vertical push member (18) positioned in laterally spaced relation to the first vertical push member (16), and wherein a connecting member (10) is coupled to and extends between the first and second vertical push members (16,18).

Regarding claims 3 and 19, Setina discloses the push bumper apparatus of claim 2, wherein the connecting member (10) is a horizontal shelf configured to receive at least one accessory (70) thereon.

Regarding claim 5, Setina discloses the push bumper apparatus of claim 2, wherein the first and second vertical push members (16,18) are releasably coupled (column 3, lines 50-52) to the connecting member (10) such that the lateral spacing between the first and second vertical push members (16,18) may be varied by replacing the connecting member (10) with a second connecting member having a different width (although a second connecting member is not

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disclosed, the Examiner takes Official Notice that it would have been obvious to use any connecting member of any length).

Regarding claim 6, Setina discloses the push bumper apparatus of claim 1, wherein the front clamping member (26) includes top and bottom retaining portions (Figs. 5 and 6) configured to extend beyond top and bottom surfaces of one of the bumper (30, Fig. 5) and the frame assembly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8, 10-15 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setina (US Patent 6,113,164) in view of a Ford Crown Victoria.

Regarding claim 8, Setina discloses the push bumper apparatus of claim 1. Setina does disclose a gap between member 24 and member 26 which would accommodate an additional

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bumper member. Regarding claims 10 and 22, A push bumper apparatus configured to be coupled to a frame assembly of a vehicle, the vehicle including a bumper positioned in longitudinally spaced relation to the frame assembly, and a fascia positioned in longitudinally spaced relation in front of the bumper, the push bumper apparatus comprising: a push member (16,18); a coupler (24,26) configured to be supported by the frame assembly; a lower support member (lower members of 24 and 26) configured to secure the coupler to the push member and extending vertically below the bumper from the coupler to the push member; and an upper support member (upper members of 24 and 26) configured to secure the coupler to the push member and extending vertically above the bumper from the coupler to the push member. Regarding claims 11-14, 23-25, Setina the features as discussed above in claims 1-3 and 5.

Setina does not disclose that the frame assembly includes a laterally extending cross-frame member (claims 8 and 25 and implied in claims 10 and 22), wherein the first clamping surface of the front clamping member is configured to face a front surface of the cross-frame member, and the second clamping surface of the rear clamping member is configured to face a rear surface of the cross-frame member, such that the cross-frame member is clamped therebetween.

The applicant's disclose that the invention of this application is used on a 2003 Ford Crown Victoria and that the vehicle includes a bumper, a frame assembly with a cross-frame member.

It would have been obvious to one of ordinary skill in the art at the time of the invention to place the clamping members around a cross-frame member of the frame assembly and to allow an additional bumper member to be placed between the cross-frame member and the fascia

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as taught by a 2003 Ford Crown Victoria. The motivation would have been to make the push bumper very stable by connecting it to a member with more rigidity and stability.

Regarding claim 15, Setina as modified discloses the push bumper apparatus of claim 10. Setina does not specifically disclose that the support member (24) is configured to pass through a pre-existing opening formed within the fascia. However, in Fig. 1, Setina discloses a fascia with a pre-existing aperture. It would have been obvious to one of ordinary skill in the art at the time of the invention to pass the support member through pre-existing apertures in the fascia. The motivation would have been to allow the same vehicle to be used as an undercover police vehicle or to be sold after the police are finished with it without having to replace the fascia.

Therefore, it would have been obvious to combine a Ford Crown Victoria with Setina to obtain the invention as specified in claims 8, 10-15 and 22-25 .

7. Claims 4, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setina.

Regarding claim 4, Setina discloses the push bumper apparatus of claim 3. Setina does not disclose that a speaker bracket extends downwardly from the shelf. The Examiner takes Official Notice that placing speakers on a push bumper of a police car is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to place speakers on the shelf. The motivation would have been to have speakers for the police sirens mounted on the bumper so that the siren could be easily heard.

Regarding claims 7 and 20, Setina discloses the push bumper apparatus of claims 1 and 17. Setina does not specifically disclose that the support member (24) is configured to pass through a pre-existing opening formed within the fascia. However, in Fig. 1, Setina discloses a fascia with a pre-existing aperture. It would have been obvious to one of ordinary skill in the art

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at the time of the invention to pass the support member through pre-existing apertures in the fascia. The motivation would have been to allow the same vehicle to be used as an undercover police vehicle or to be sold after the police are finished with it without having to replace the fascia.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Examiner
Art Unit 3612

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July 6, 2004